



South Carolina House of Representatives

Legislative Update

James H. "Jay" Lucas, Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent the Senate **H.4145**, the “**SOUTH CAROLINA WORKFORCE DEVELOPMENT ACT**”. The legislation creates a Coordinating Council for Workforce Development within the Department of Commerce to provide centralized oversight and comprehensive planning for the numerous job training initiatives housed in various state agencies as way of maximizing the benefits of these programs. Composed of the Commerce Secretary, the State Superintendent of Education, the Executive Director of the State Board for Technical and Comprehensive Education, the Executive Director of the Department of Employment and Workforce, and the Executive Director of the Commission on Higher Education, or their designees, the new Coordinating Council is to work with an advisory group of workforce development stakeholders that has a membership structured to provide representation from the state’s large and small business communities, the nonprofit sector, vocational education programs, the Coordinating Council for Economic Development, local and regional workforce investment boards, and such state agencies as the Department of Social Services, the Department of Vocational Rehabilitation, the Department of Corrections, and the Department of Juvenile Justice. The duties of the Coordinating Council include developing a comprehensive plan for workforce development, maintaining a state database for job training programs, assessing the effectiveness of the various career education and job training initiatives, and recommending policy improvements. The legislation provides for the State Board for Technical and Comprehensive Education, the Department of Education, the Department of Employment and Workforce, and the Department of Commerce to implement a Pathways Initiative in alignment with the Education and Economic Development Act to improve employment outcomes and address critical workforce development needs statewide. The State Board for Technical and Comprehensive Education and the Department of Education shall develop and implement a statewide Pathways to First Careers program to facilitate a seamless transition from education to employment in industries with critical workforce shortages. Funds allocated to the program must be used to provide the necessary infrastructure, including career and technical equipment, facilities, instructional materials, transportation, and tuition grants. Of the funds allocated to the program: (1) at least thirty percent of the funds must be directed to school districts or multi-district career centers lacking adequate career development and workforce readiness programs with priority given to school districts or multi-district career centers with a poverty index of seventy five percent or greater; and (2) remaining funds must be used to establish programs in all regions of the state that confer the necessary skills and training to prepare students for careers in high demand fields and critical need positions in businesses and industries experiencing difficulty recruiting and retaining qualified applicants. The State Board for Technical and Comprehensive Education shall coordinate with the Department of Commerce, Department of Employment and Workforce, and the Department of Education to develop and implement a Pathways to New Opportunities program to provide subsidized career training and certification and job placement assistance to adults pursuing careers in high demand jobs in critical need industries throughout the state. The legislation establishes a Workforce Scholarships and Grants Fund administered by the State Board for Technical and Comprehensive Education for awarding individuals grants of up to ten thousand dollars to address the costs of pursuing career education such as tuition, school fees, textbooks, and school-related transportation expenses. The legislation provides career pathways tax

credits to encourage employers to conduct apprenticeship programs, particularly in the least economically developed counties.

The House amended and gave second reading approval to **H.3521**, a bill **PROHIBITING AN APPLICATION OF SECULAR OR RELIGIOUS FOREIGN LAW THAT VIOLATES RIGHTS GUARANTEED BY THE CONSTITUTION OF THIS STATE OR OF THE UNITED STATES**, such as due process, freedom of religion, speech, or press, and privacy rights. This prohibition applies to any ruling or decision of a court, arbitration, tribunal, or administrative agency. The legislation includes provisions specifying that this prohibition does not apply to purely ecclesiastical matters and should not be not be interpreted by any court to conflict with any federal treaty or other international agreement to which the United States is a party to the extent that such treaty or international agreement preempts or is superior to state law on the matter at issue.

The House approved and sent the Senate **H.4573**, a bill to provide an **EXTENSION FOR STATE AND LOCAL LEVEL VETERANS ISSUES STUDY COMMITTEE** until March 1, 2026, and to require the committee to issue biennial reports to the General Assembly and the Governor.

The House amended, approved, and sent the Senate on **H.4660**, a bill relating to **SURPLUS LINES INSURANCE PLACED THROUGH A LICENSED INSURANCE BROKER**. The legislation revises provisions relating to limited line and special producer licensure, so as to provide that a licensed property casualty insurance producer may place surplus lines insurance through a licensed insurance broker without being appointed by the surplus lines insurer.

The House approved and sent the Senate **H.4662**, a bill providing for the **REENACTMENT OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT** and related provisions, enacted by Act 339 of 2008, which expired on June 1, 2014. The legislation makes these reenacted provisions retroactive to this expiration date, and specifically does not reenact certain obsolete provisions.

The House granted free conference powers to the committee addressing differences with the Senate on **S.255**, a bill relating to the **EXPUNGEMENT OF CRIMINAL RECORDS AND THE REMOVAL OF MUGSHOTS AND OTHER ARREST OR BOOKING RECORDS FROM WEBSITES** when charges have been dismissed or the accused individual is found not guilty.

The House adopted **H.4700**, a resolution to approve a **HOUSE RULES CHANGE LIMITING SPECIAL INTRODUCTIONS, RECOGNITIONS, AND ANNOUNCEMENTS** made by House Members. The House's order of business is revised to designate a period at the beginning of its work day and when the House recurs to the morning hour for making special introductions, recognitions, and announcements, the sum total of which may not exceed fifteen minutes with no more than eight special introductions, recognitions, or announcements, each one not exceeding ninety seconds. The Speaker of the House is, however, authorized to allow such special introductions, recognitions, and announcements during roll call voting at his discretion.

The House approved **S.1008**, a joint resolution authorizing the preparation and publication of **REVISED VOLUMES OF THE SOUTH CAROLINA CODE OF LAWS**, and enrolled the legislation for ratification. The legislation provides for Volume 7A,

containing Title 16 of the South Carolina Code, and Volume 19 containing Title 58 of the South Carolina Code, to be published and adopted as revised and updated editions that incorporate the supplementary changes to statutes that have been made since these volumes were last published.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS COMMITTEE

The Agriculture, Natural Resources and Environment Affairs Committee met on Thursday, January 28, 2016. The following bills were discussed and passed.

The committee gave a favorable recommendation to **H.4458**, relating to **PERSONAL WATERCRAFT AND BOATING SAFETY**. Current law allows the operation of a personal watercraft, specialty propcraft, or vessel in state waters in excess of idle speed within 50 feet of a moored or an anchored vessel, wharf, dock, bulkhead, pier, or a person in the water. The legislation extends the distance to 100 feet.

H.4708, a bill dealing with **IMPORTING, POSSESSING OR SELLING IMPORTED FISH**, received a favorable report from the committee. This bill just clarifies language in current law that the South Carolina Department of Natural Resources will continue to issue permits to private pond owners for the release or stocking of grass carp, or grass carp hybrids in the waters of the state.

H.4709, regarding the **SOUTHERN COBIA MANAGEMENT ZONE** under the “SC Marine Resources Act of 2000”, was given a favorable report from the full committee. This bill provides for the term “Southern Cobia Management Zone” which means all waters of this state south of Jeremy Inlet, Edisto Island. The bill states that certain Federal fishing regulations does not apply to cobia located in the Southern Cobia Management Zone. This fishery is unique to South Carolina and very popular. As a result, the possession of cobia caught in the Southern Cobia Management Zone is limited to one person per day, and no more than three per boat per day, from June 1 to April 30. In addition, it is unlawful to take and possess cobia in the Southern Cobia Management Zone from May 1 to May 31.

JUDICIARY

The House Judiciary Committee met January 26, 2016 and passed out three bills:

H. 4457 MAGISTRATE COURT CIVIL JURISDICTION, passed with amendment. This bill increases the civil jurisdiction for magistrate court from \$7,500 to \$25,000. These cases include confessions of judgment, personal injury claims, surety bonds, property rights, and recovery of earnest money or personal property.

H. 4579 LIEUTENANT GOVERNOR SUCCESSION, passed with amendment. This bill states that if the office of the Lieutenant Governor is vacant due to death or permanent incapacity, the Governor could appoint a successor to fulfill the unexpired term. Beginning with the 2018 General Election, a person running for Governor designates a qualified running mate for the office of Lieutenant Governor to run on the same ticket. This designation must be in writing and filed with the appropriate elections authority. The designated running mate must submit all campaign reports and disclosures required for statewide office candidates. If the Governor or Lieutenant Governor is not able to serve, then the President of the Senate would serve as Governor, assuming the Governor's responsibilities. Beginning with the 2018 General Election, the Lieutenant Governor will perform the duties assigned by the Governor, unless otherwise provided by law. The President of the Senate may serve *ex officio* as one of the five members of the Senate Interstate Cooperation Committee. The Lieutenant Governor will not be eligible for subsistence expenses on legislative days. There is further clean-up language within the bill to match state statutes with approved constitutional amendments.

H. 4665 MAGISTRATE SCREENING, passed the committee. This bill requires magistrate candidates to be screened by the Judicial Merit Selection Commission prior to appointment by the Governor. Magistrate candidates would undergo screening, screening reports would then be submitted to the appropriate Senate delegation. That delegation would then submit their screened candidate to the Governor for appointment. This bill also designates that magistrates may be appointed in each county for a term of four years.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

H.4743 LAKE CONESTEE NATURE PARK Rep. Bedingfield

This bill declares Lake Conestee Nature Park to be a Wildlife Sanctuary for the protection and conservation of game, songbirds, waterfowl, fish, amphibians, other animals, and plant life. Lake Conestee is owned and operated by Conestee Foundation, a private nonprofit conservation organization, located in Greenville County.

EDUCATION AND PUBLIC WORKS

H.4761 GENDER AND HIGH SCHOOL SPORTS Rep. Hayes

This bill provides that schools shall determine the gender of a student seeking to participate in athletics sanctioned by the high school league with attendant variations on that theme.

H.4774 SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS Rep. Govan

This bill provides that the South Carolina First Steps to School Readiness is reauthorized until July 1, 2021, and will automatically be reauthorized for five-year periods at five-year intervals thereafter.

H.4777 SCHOOL FISCAL PRACTICES Rep. White

This bill requires the State Department of Education to develop and adopt a statewide program for identifying fiscal practices and budgetary conditions that, if uncorrected, could compromise the fiscal integrity of a school district and for advising the district on how to take appropriate corrective actions.

H.4778 SCHOOL ACCREDITATION Rep. Allison

This bill provides that beginning with the 2017-2018 school year, all school districts must be accredited by AdvanceEd, formerly the Southern Association of Colleges and Schools.

H.4779 OFFICE OF TRANSFORMATION Rep. Allison

This bill provides for the duties, functions, and responsibilities of the Office of Transformation within the South Carolina Department of Education.

H.4780 EDUCATION REFORM SERVICES Rep. Allison

This bill establishes a committee composed of specified members to review all existing state education statutes and report to the General Assembly those which are obsolete or no longer applicable; to provide that the State Department of Education shall develop a system for providing services and technical assistance for school districts on a regional basis to include academic assistance and assistance with finances, and to provide that the Superintendent of Education shall report the design of the system to the General Assembly no later than December 31, 2016, and every year thereafter report the progress of the system in regard to assistance provided to local school districts. The bill also requires that the Department of Education shall monitor the operations of school boards in underperforming districts to determine if they are operating efficiently and effectively and to provide that the Department shall monitor the professional development of teachers, staff, and administrators in districts it determines are underperforming to ascertain what improvements and changes are necessary.

H.4781 SOUTH CAROLINA EDUCATION AND ECONOMIC DEVELOPMENT COORDINATING COUNCIL Rep. Allison

This bill establishes the South Carolina Education and Economic Development Coordinating Council and provides for its membership, duties, and functions.

H.4782 STUDENT SURVEYS Rep. Allison

This joint resolution provides that the State Department of Education, with the assistance of other entities, shall survey students enrolled in the state's colleges of education and include questions inquiring as to whether the students have ever considered teaching in a rural and economically challenged school district and what incentives, if any, would cause them to consider working in such a district.

H.4783 EDUCATIONAL GOALS Rep. Allison

This bill provides for educational goals for all South Carolina high school graduates and the standards and areas of learning by which these goals are measured.

H.4792 "VIRTUAL EARLY LEARNING PILOT PROGRAM ACT" Rep. Taylor

This bill enacts the "Virtual Early Learning Pilot Program Act" so as to provide that the State Board of Education shall contract with an educational technology provider to provide a home-based educational technology pilot program for literacy and numeracy instruction and assessment for preschool children.

JUDICIARY

H.4729 NO PUBLIC FUNDS FOR REGULATING FIREARMS Rep. Limehouse

Provides that no public funds could be used to enforce any federal law, executive order, rules, or regulations that regulate ownership, use, or possession of a firearm.

H.4730 CHILD OR JUVENILE Rep. Alexander

Defines a child or juvenile as an individual less than 18 years old. Provides that 16 year olds with certain felony charges can have their cases remanded to family court. Changes the age of a child for purposes of transfer and retention of court jurisdiction.

H.4759 UNBORN INFANTS DIGNITY ACT Rep. Hicks

Provides a mother with the right to receive the bodily remains of her child for final disposition and establishes requirements for final disposition if the mother does not request the remains. Prohibits the sale, transfer or other conduct related to the use of the remains resulting from an abortion, and provides penalties for violations.

H.4760 PENALTY FOR DISTRIBUTION OF OBSCENE MATERIAL TO A STUDENT Rep. Tallon

Creates a criminal offense when anyone in an official capacity with a public or private elementary, middle, or secondary school, distributes obscene material to a student. Also sets penalties for this offense.

H.4763 INTERNET CRIMES AGAINST CHILDREN Rep. Pope

Creates an Internet Crimes against Children Fund to investigate, prosecute, and prevent internet crimes against children. Revises the amount of assessment that a person must pay.

H.4775 FAMILY COURT MEDIATORS Rep. Brannon

Requires that any Family Court appointed mediator or other neutral party in alternative dispute resolution cases must be an attorney in good standing with the South Carolina Bar.

H.4793 AUXILIARY CONTAINERS Rep. Bedingfield

Provides that any regulation regarding the use, disposition, sale, or any imposition of any prohibition, restriction, fee imposition, or taxation of auxiliary containers must be done only by the General Assembly.

LABOR, COMMERCE AND INDUSTRY

H.4732 CONDITIONS PLACED ON GOVERNMENT PROCUREMENT OF PORTABLE SOLAR POWER GENERATOR SYSTEMS Rep. Loftis

This bill imposes limitations on state and local government procurement of portable solar power generator systems by establishing conditions relating to the country of origin for these systems and system components. Waivers from the conditions are authorized when a chief procurement officer certifies in writing that the compliant products are: (1) not available in sufficient quantities to satisfy the public interest in a timely manner; or (2) available only at a cost that is at least seventy-five percent greater than the cost of the similar noncompliant systems.

H.4784 BALCONY SAFETY REQUIREMENTS Rep. J. E. Smith

This bill requires all municipalities and counties to inspect each exterior balcony in certain residential properties, including apartment buildings, hotels, motels, vacation timeshare properties, dormitories, and fraternity and sorority houses, to determine whether the balcony satisfies the requirements of the International Building Code. The legislation provides that these local governments must prohibit the use of an unsatisfactory balcony until the balcony meets the applicable standards. The legislation requires the Building Codes Council to develop and administer a database of balcony inspection data. The legislation provides for the imposition of inspection fees and establishes penalties for violations.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4728 "EYE CARE CONSUMER PROTECTION ACT" Rep. Long

This bill enacts the "Eye Care Consumer Protection Law", and establishes requirements for a person who sells spectacles or contact lenses using refractive data or information generated by an automated testing device.

H.4773 MARGY'S LAW Rep. Duckwork

This bill enacts the "Margy's Law" regarding the Do Not Resuscitate Orders for Emergency Services to the Terminally Ill. The bill provides for the availability of "Do Not Resuscitate" bracelets in addition to written orders. The Do Not Resuscitate Bracelet means a standardized identification bracelet that bears the inscription "Do Not

Resuscitate” and signifies that the wearer is a patient who has obtained a do not resuscitate order which has not been revoked.

WAYS AND MEANS

H.4731 TOLL ALONG INTERSTATE HIGHWAY 95 WHERE IT CROSSES LAKE MARION Rep. Ridgeway

This bill directs the Department of Transportation to impose a toll along Interstate Highway 95 where it crosses Lake Marion in either Orangeburg County or Clarendon County. The revenue collected from the imposition of this toll must be used initially for the replacement of the northbound and southbound bridges that cross the Santee River at mile marker 100 along Interstate Highway 95. Once this project is completed, all future toll revenues must be used for the maintenance, upgrade, and expansion of Interstate Highway 95 and its interchanges.

H.4762 EXCEPTIONS TO LIMITATIONS ON MILLAGE RATE INCREASES Rep. Anthony

This bill revises provisions relating to the limitation on millage rate increases and exceptions to this limitation, so as to revise the exception to this limitation for the purchase of capital equipment and other expenditures in a county having a population of less than one hundred thousand persons and having at least forty thousand acres of state forest land by providing for this minimum acreage requirement to include state or national forest land.

H.4764 EXTENSION OF THE GOVERNOR’S AUTHORITY TO APPOINT THE SECRETARY OF TRANSPORTATION Rep. Lucas

This bill revises the portions of the comprehensive Department of Transportation reform legislation, Act 114 of 2007, that authorized the Governor to appoint the Secretary of Transportation and provided that the Governor’s appointment power would terminate and devolve to the Department of Transportation Commission on July 1, 2015, if the General Assembly did not extend the Governor’s authority prior to that date. This legislation repeals the provision relating to the termination of the Governor’s authority to appoint the Secretary of Transportation, and instead provides that the Governor’s authority to appoint the Secretary of Transportation is extended until further action by the General Assembly to the contrary. The legislation also eliminates a proviso of Act 91 of 2015, the General Appropriations Act for Fiscal Year 2015-2016, authorizing an extension of the Governor’s authority to appoint the Secretary of Transportation.

H.4765 HABITAT FOR HUMANITY CHECK OFF ADDED TO INCOME TAX FORMS Rep. G. R. Smith

This bill provides for an expansion of the voluntary contributions that an individual may make by means of the income tax return check off, by adding a check off for Habitat for Humanity on the tax form.

H.4776 “SOUTH CAROLINA EDUCATION FACILITY AUTHORITY ACT” Rep. Allison

This bill enacts the “South Carolina Education Facility Authority Act” in order to provide assistance to enable school districts to provide school facilities. The legislation provides for the powers and duties of the authority, establishes a board of directors to govern the

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authority, and provides for funding of the authority. The legislation authorizes the issuance of South Carolina Education Facility Revenue Bonds and specifies the manner in which bond proceeds are allocated to school districts.

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